

Atty Docket No. JCLA6244-C1-R

Serial No. 09/611,562

**REMARKS****Present Status of the Application**

The Office Action rejected claim 6-7 under 35 U.S.C. 112. The Office Action rejected claims 6, 8, and 10 under 35 U.S.C. 102(b) as being anticipated by Kang et al. (U. S. Patent 5,755,281; hereinafter Kang). The Office Action rejected claims 7, 9, and 11 under 35 U.S.C. 103(a) as being unpatentable over Kang in view of Park et al. (US 5,975,199; hereinafter Park). Applicants have amended claim 6 to overcome the rejections under 35 U.S.C. 112. After entry of amendments, claims 6-11 remain pending in the present application, and reconsideration of those claims is respectfully requested.

**Discussion of Claim Rejections under 35 USC 112**

Applicants have also amended claim 6 to correct and improve clarity. Now the N is clearly defined as the number of slits per heat transfer fin unit. As shown for example in FIGs. 1 and 3, each of the heat transfer units 31, 32 has desired number of slits.

**Discussion of Claim Rejections under 35 USC 102**

The Office Action still rejected claims 6, 8, and 10, based on the direct measurements on the drawing of Kang (Fig. 10A). However, the present Office Action has changed the count of the slit by 12 instead of N=10. This is totally improper in construing the disclosure of Kang. Applicants respectfully disagree.

Kang has disclosed the 10 strips (col. 5, lines 2-3) for N=10. Similarly, in Fig. 9 and Fig. 10, 10 slits are shown. Therefore, *N should be 10 but not 12.*

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It can be seen that, if N is counted as 12 by the preset Office Action, then it is  $W_s/W_f \geq 0.064$ . In this situation, the width of all strips (slits in Fig. 12D) satisfies the condition of  $W_s/W_f \geq 0.064$ . However, this is not true in Kang. In Kang, N=10. In this situation,  $W_s/W_f \geq 0.067$  as previously discussed. The more evidence for N=10 can be found in Fig. 12A and Fig. 12D, in which Fig. 12D is a cross-section along the line 12D – 12D with 6 slits being shown.

When N=10 is correctly taken, then the previous Office Action, as arguing in the previous response,  $W_s/W_f \geq 0.067$ . In this situation, at least one of the slits does not satisfy the condition, as recited in claims.

The examiner has improperly construed the disclosure of Kang (taking N=12, *but N actually is 10*), so as to satisfy the features recited in claims 6, 8, and 10.

In other words, the present invention requires all slits have the width satisfying the condition. However, Kang does not show all slits have the width satisfying the condition.

It is also respectfully believed that the Examiner has fallen into hindsight and improperly construed the disclosure of Kang. If the drawing (in actual size or actual ratio) itself is taken as the design property, Kang does not disclose the full features recited in claims 6, 8, and 10. Clearly, the actual size of the Fig. 10A as a whole does not disclose the features recited in claims 6, 8 and 10.

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**Discussion of Claim Rejections under 35 USC 103**

The Office Action further cites Park in combination with Kang for rejections.

The tube with diameter of 7 mm is disclosed. However, Park does not supply the missing features in Kang.

Particularly, Park only provides the tube size and does not provide the motivation to modify the actual size in Kang when considering the whole design (if the drawing of Kang is considered as the actual size). If the modification from Park is made, the design of Kang is then changed. Therefore, the combination is not proper in another point of view.

For at least the foregoing reasons, Applicant respectfully submits that independent claims 6, 8 and 10 patently define over the prior art references, and should be allowed. For at least the same reasons, dependent claims 7, 9, and 11 patently define over the prior art references as well.

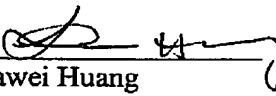
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**CONCLUSION**

For at least the foregoing reasons, it is believed that all the pending claims 6-11 of the invention patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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